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LITIGATION BUREAU

October 29, 2020

By ECF and Facsimile

Hon. Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: *Cojocaru and Haber v. CUNY, et al.*, Case No. 19-cv-5428 (AKH)

Your Honor:

This Office represents Defendant the City University of New York (“CUNY”)¹ in the above-referenced action. I write on behalf of CUNY, Plaintiffs, Defendants Marcus, Curtis, Spunt, and Dominguez to update the Court on the discovery progress in this case, to propose a date for a joint letter raising the parties’ discovery disputes, and to request an extension of the deadline for document discovery until January 15, 2021 for the reasons set forth herein. This is the parties’ first formal request for an extension of the deadline to conclude document discovery.²

Since the last conference with Your Honor, the parties have engaged in significant discovery, both paper and electronic. All parties have exchanged discovery requests and responses – totaling more than 30 sets of demands between the parties – and have exchanged significant document discovery. For example, to date, CUNY has produced nearly 7,000 pages of paper discovery. Further, our Office is in the process of reviewing over 130,000 electronic documents from 21 custodians pursuant to the parties’ electronically stored information (“ESI”) protocol. CUNY has agreed to produce these documents on a rolling basis.

In engaging in this extensive discovery, the parties have identified certain discovery disputes. The parties have met and conferred on numerous occasions, both by email and by telephone, including most recently this Wednesday when all parties met and conferred

¹ John Jay College is a senior college in the CUNY system and is not a “legally cognizable entity apart from CUNY.” *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004) (per curiam), *cert. denied*, 543 U.S. 987 (2004).

² The initial case management plan set a November 20, 2020 deadline for the completion of non-expert discovery (ECF No. 51), but at the July 24, 2020 conference, the Court directed the parties to conclude document discovery by October 31, 2020. (ECF No. 104.)

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telephonically from 3:00 to 4:00 p.m.³ All parties are hopeful that we will be able to narrow the issues to present to the Court in a joint letter, pursuant to Your Honor's rules. The parties propose that any joint letter regarding discovery issues be due November 13, 2020.

In order to complete document discovery, including electronic discovery, and to give the Court time to rule on the parties' outstanding discovery disputes and allow the parties time to implement the Court's ruling, the parties request an extension of the October 31, 2020 document discovery deadline to January 15, 2021. Due to the volume of discovery, this amount of time is necessary to complete the review and production.

The parties request that the conference currently scheduled for November 6, 2020 be adjourned accordingly.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Elyce N. Matthews
Assistant Attorney General
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To: Counsel of Record (via ECF)

³ As there are two plaintiffs, one institutional defendant, and four individual defendants, parties additionally met and conferred separately, without all parties present, several times.